SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

PETER R. MILJANICH
Attorney
miljanich@smwlaw.com

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Via E-Mail and FedEx

Mr. Ross Atkinson
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite #200
Rancho Cordova, CA 95670
E-mail: Ross.Atkinson@waterboards.ca.gov

Re: Waste Discharge Requirements for Forward Landfill

Dear Mr. Atkinson:

On behalf of Clean San Joaquin—a coalition of citizens, farmers, aviators, business leaders, and conservationists concerned with the adverse environmental consequences associated with the operation of the Forward Landfill—we submit these comments regarding the proposed Waste Discharge Requirements Tentative Order for the Forward Landfill ("WDRs"). Clean San Joaquin requests that the Regional Water Quality Control Board ("Water Board") prohibit disposal of cannery rinse water into the compost facility and require Forward Landfill to implement additional measures to mitigate the significant effects of the Landfill's proposed cannery waste operations.

These additional mitigation measures are referenced in the May 2013 Final Environmental Impact Report ("FEIR") for the Forward Landfill's proposed expansion project, on which the WDRs rely, but are not included in the proposed WDRs. These mitigation measures are critical to ensure that the adverse impacts from the Landfill's cannery waste operations do not harm the environment and those who live and work nearby.

I. Forward Landfill's Cannery Waste Operations Have the Potential to Harm the Landfill's Neighbors and Threaten the Environment.

Numerous agricultural operations and nearly 50 residences are located within one mile of Forward Landfill's borders, and a large correctional facility lies just

1,900 feet from its northern boundary. Contaminants, odors, and vectors produced by the Landfill have the potential to harm countless residents, farmers, and agricultural consumers.

Forward Landfill's processing of cannery waste has the potential to threaten water quality, generate offensive odors, and provide a substrate for the breeding of vectors, and also has the potential to contaminate surrounding farmers' crops, resulting in unsafe food sources and non-viable farming operations. This potential harm is especially significant in the San Joaquin Valley, which is an invaluable source of food for California and for the nation.

Clean San Joaquin seeks to ensure that the Water Board imposes measures that are necessary to protect the health and safety of residents and the agricultural community and lifestyle that is the strength and core of the San Joaquin Valley.

A. Forward Landfill Continues to Threaten Regional Water Quality.

Forward Landfill has been the subject of several Water Board Orders resulting from its contamination of regional water resources. Discharges from the existing facility already exceed state and federal water quality benchmarks. Further, a Corrective Action Program (CAP) is already in place as a result of former measures' ineffectiveness in stemming the advance of groundwater containing harmful levels of volatile organic compounds (VOCs), such as acetone. These VOCs leached from the Landfill and continue to taint drinking and irrigation water. Past Orders, the CAP, and the degraded state of affected water bodies demonstrate Forward Landfill's record of regulatory non-compliance. Because of this non-compliance, the water available to adjacent lands continues to be degraded by the spreading VOC-contaminated groundwater plume. Further contamination risks the health of other water bodies, and the intensification of existing pollution levels.

Moreover, the San Joaquin River, the ultimate receiving water body for the Landfill's discharges, is already impaired. *See* 2010 California 303(d) List of Water Quality Limited Segments. Thus, the environment surrounding and including the Landfill is especially sensitive and already significantly degraded. It is therefore critical that the Water Board impose all measures that would prevent the Landfill from further threatening the regional water supply.

Land application and disposal of cannery waste poses a serious threat to water quality. Excess Nitrogen, heavy metals, and VOCs can leach from the waste into groundwater and other water sources, such as the North and South Forks of Littlejohns

Creek. The FEIR found that the mitigation measures described below are necessary to address these threats. Unless the Water Board requires the Landfill to implement these measures, the Landfill's pattern of past water contamination and degradation will be exacerbated. Further contamination and degradation of water quality could threaten the viability of nearby farming operations, which rely heavily on local groundwater resources.

B. Forward Landfill's Cannery Waste Operations Breed Vectors and Could Contaminate Nearby Agriculture.

Forward Landfill's cannery waste operations are a source of vectors, including rats and biting flies. Cannery waste abounds in organic material and thus provides ample nourishment and a breeding substrate for pests that can spread disease to humans, other animals, and crops.

Vectors carry pathogens from solid waste that have the potential to contaminate agricultural crops. Pathogens from cannery waste could destroy nearby crops, and could be conveyed to the humans that eat affected crops. Moreover, farmers are required to verify that the food they produce is safe. Discovery of vectors or contaminated produce by inspectors could threaten local farmers' livelihoods. Contamination and vector-induced pathogens from the Landfill reduce the safety and marketability of agricultural crops, thereby threatening the continued viability of agriculture operations.

C. Forward Landfill's Cannery Waste Operations Cause Noxious Odors That Affect Area Residents.

Without proper management, the disposal and decomposition of cannery waste is especially likely to result in fetid odors. Anaerobic decomposition of cannery waste creates these offensive odors, which are harmful to sensitive receptors and reduce individuals' quality of life. The odors currently emitted from the Landfill create a serious, offensive nuisance for surrounding residents and workers, particularly on windy days. The Water Board should require Forward Landfill to comply with certain basic measures to reduce the far-reaching putrescence of rotting cannery waste.

II. The Water Board Should Require the FEIR's Mitigation Measures as Conditions of the WDRs.

The FEIR, and two reports attached to the FEIR, Lewis Engineering, *Food Processing Residuals, Land Application Facility, Forward Landfill* (2012) ("*Food*

Processing Residuals"), and Lewis Engineering/GLA, *Pilot Project Plan, Forward Landfill, Food Processing Residuals* (2012), describe certain measures that are necessary to prevent adverse effects from the Landfill's cannery waste operations. The WDRs rely on the FEIR and its attachments, WDRs at 24, but do not include the full set of mitigation measures recommended in these documents. The WDRs should incorporate these requirements in order to protect local residents and water sources.

A. Solar Drying

The WDRs should require the Landfill to perform thorough solar drying of cannery waste, which is essential to prevent the breeding of vectors, to reduce noxious odors, and to prevent the percolation of harmful chemicals into water sources. Attachments to the FEIR outline detailed procedures that Forward should follow to fully dry cannery waste and thereby avoid the potentially injurious consequences of its disposal. In particular, the FEIR states that: (1) drying should be completed within five days; (2) the ground surface should be prepared prior to the application of waste; (3) waste should be spread 1"-3" deep in order to ensure complete drying; and (4) waste must be stirred at 12-hour intervals with a spring tooth cultivation device in order to facilitate drying. See *Food Processing Residuals* at 3-1, Letter from Kevin Basso, General Manager of Forward Landfill, to Robert McClellan, San Joaquin County Public Health Services (Mar. 27, 2007) (appended to *Food Processing Residuals*). By contrast, the WDRs only generally require drying and the even spreading of cannery waste.

Drying according to the FEIR specifications is necessary for several reasons. First, thorough drying prevents anaerobic decomposition, which is a primary source of the noxious odors that pervade the Landfill and surrounding area. *Food Processing Residuals* at 3-1. Second, complete drying within five days interrupts biting flies' lifecycles, and as mentioned above, biting flies are not only painful nuisances, but also potential disease vectors. *Id.* Drying also prevents the organic materials in cannery waste from being accessible as nutrition for other vectors, such as rats. Drying is therefore essential to confine pathogens contained in cannery waste. Third, without drying, various substances—Nitrogen, metals, and VOCs—can percolate into groundwater. WDRs at 19–21. Given that local groundwater is already polluted by landfill leachates, the Water Board should require Forward Landfill to rigorously manage its cannery waste facility to prevent additional contamination. Otherwise, the likely result will be the further degradation of local water sources.

B. Setbacks from Water Sources.

The Water Board should require the Landfill to continue to use existing setbacks from water sources, if only to prevent any worsening of current levels of water quality degradation. Reports attached to the FEIR maintain that Forward Landfill has established 50-foot setbacks between the facility boundary and all naturally occurring water bodies. *Food Processing Residuals* at 4-1. Further, the reports specify that no water supply wells are to be located within 1,000 feet of the land application area. *Id.*

These measures are essential to minimize available pathways for contamination to ground and surface water sources. Considering the Landfill's record of regulatory noncompliance, these setbacks are necessary simply to *maintain* current conditions, which, as discussed above, have already resulted in extensive contamination. The Water Board should not permit the Landfill to create further hazards to local water sources by permitting the Landfill to cease using these basic preventative measures.

C. Daily Records of Waste Disposal, Location, and Unusual Occurrences, and Removal of Extraneous Material from Applied Cannery Waste.

The Water Board should require the Landfill to keep daily records of all waste disposed of at the facility, disposal areas, and unusual occurrences, and should require the Landfill to remove extraneous material from applied cannery waste. Item K(7) of the Standard Provisions and Reporting Requirements attached to the WDRs requires Forward Landfill to "maintain legible records of the volume and type of each waste discharged at each waste management unit or portion of a unit, and the manner and location of discharge." This measure does not go far enough.

In addition to the general provision contained in item K(7), the Water Board should require the Landfill to implement the daily recording measures discussed in the FEIR. This would include the daily recordation of (1) loads received, (2) locations of disposal, and (3) unusual occurrences, as well as the removal of extraneous material from the waste at the time of disposal. Letter from Kevin Basso, General Manager of Forward Landfill, to Robert McClellan, San Joaquin County Public Health Services (Mar. 27, 2007) (appended to *Food Processing Residuals*). It is imperative that these records be kept daily. The Water Board, the Landfill, and other interested parties, such as surrounding neighbors, will need this specific information in order to adequately monitor the Landfill's cannery waste operations. Without this level of detail, it could be impossible to trace odor, vector, and water-source contamination problems back to specific practices and discharges. Crucially, daily records would allow the Water Board and the Landfill to identify, track, prevent, and contain further water contamination.

D. Proper Sampling and Monitoring.

To be effective, the WDRs must ensure that the Landfill follows proper sampling and monitoring techniques for its cannery waste operations. The *Pilot Project* Plan, attached to the FEIR, details extensive sampling and monitoring procedures, and careful handling techniques, that should be used to evaluate whether land application of cannery waste is further jeopardizing nearby water sources. *Pilot Project Plan* at 5-13. But the extensive sampling procedures outlined in the *Pilot Project Plan* are not mentioned in the WDRs. In light of the inadequacies of Forward's past practices, and the fact that cannery waste could further degrade regional water quality, the WDRs should incorporate these sampling and monitoring procedures.

Without the comprehensive sampling and monitoring program discussed in the *Pilot Project Plan*, the Water Board cannot ensure that the sampling and monitoring procedures in place will reveal accurate data regarding the cannery waste's effects on water quality. At the very least, the Water Board should require the Landfill to sample soil in the application area prior to and after application. Without quantification of pre- and post-application conditions, Forward and the Water Board cannot assess the procedure's effects on the environment in general and on water quality in particular. These procedures are necessary to prevent the type of water pollution that the Landfill's operations have caused in the past.

The *Pilot Project Plan* also included a worker safety plan. *Pilot Project Plan* at 6. Any testing, sampling, or monitoring that occurs at the land application site should explicitly incorporate this plan in order to ensure worker safety.

III. The Water Board Should Prohibit Disposal of Cannery Rinse Water in Compost Facility.

The WDRs state that "excess cannery rinse water may be treated in the compost facility." WDRs at 10. The existing compost facility creates serious odor and vector-related nuisances, and the addition of cannery rinse water to the compost facility can only exacerbate these nuisance conditions and threaten water quality. The Water Board should refuse to permit the discharge of cannery rinse water to the compost facility.

At the very least, the Water Board should postpone any approval of cannery rinsate disposal to the compost facility until the Landfill has undertaken a detailed investigation of the cannery rinsate's contribution to the odor, vector, and water degradation problems that are already presented by the existing compost facility. After

the Landfill has completed this further investigation to the satisfaction of the Water Board—and if the Water Board nonetheless decides to permit disposal of cannery rinse water in the compost facility—the Water Board should regulate the composting operation under the stringent monitoring, siting, construction, and design standards applicable to a Class II waste pile under Title 27.

In any event, the Water Board should revise the WDRs to include more stringent requirements related to the disposal of cannery rinse water in the compost facility. The proposed monitoring program only requires a quarterly monitoring of the retention basin liquid and of the leachate from active compost areas. Without significantly more detail, it could be impossible to trace odor, vector, and water-source contamination problems back to specific practices and discharges at the compost facility. The Water Board should establish enforceable odor standards, and should require the Landfill to install electronic or other proven odor-monitoring devices. The Water Board should require the Landfill to create a set of standard procedures—such as ceasing composting operations or covering compost piles—that it must utilize to remedy odor or vector problems if unacceptable odor or vector levels are reached. The Water Board should also require the Landfill to install additional vector control devices in the compost facility area.

IV. Request to Revise WDRs and Incorporate Additional Mitigation Measures.

Clean San Joaquin urges the Water Board to prohibit disposal of cannery rinse water into the compost facility and to incorporate the mitigation measures discussed above into the WDRs for Forward Landfill in order to avoid further degradation and contamination of water sources, the spread of disease-carrying vectors, and the proliferation of noxious odors. Without these precautions and enforceable measures, Forward Landfill's cannery waste operations will continue to threaten San Joaquin Valley's water resources.

Very Truly Yours,

SHUTE, MIHALY & WEINBERGER LLP

Peter R. Miljanich

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